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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,466	04/06/2005	Francois Gaspard	268529US6PCT	2980
22850 7590 11/15/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER MARSHALL, CHRISTLE I	
			ART UNIT	PAPER NUMBER
			2876	
			NOTIFICATION DATE	DELIVERY MODE
			11/15/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

Application No.

10/530,466

Applicant(s)

GASPARD ET AL.

Examiner

Christle I. Marshall

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☒ Claim(s) 13-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 06 April 2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

Receipt is acknowledged of applicant's preliminary amendments filed April 6, 2005. Claims 1-11 have been canceled without prejudice. Claims 12-22 have been added. Claims 12-22 are pending and an action on the merits is as follows.

### *Claim Objections*

1. **Claim 15 is objected to** under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim, or amend the claim to place the claim in proper dependent form, or rewrite the claim in independent form. Claim 12 recites "...wherein **all sectors** in the **first ring** which is the innermost ring, are the same color **except for one** that is a complementary color", however claim 15, which depends on claim 12, recites "wherein **each sector of each ring** is the same color". The claimed feature of claim 15 poses a disagreement with the claimed feature of claim 12 that has a ring with one sector a different color than the other sectors of that ring.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 12 is rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 as written is not supported by the specification because the claimed features do not correspond to the details of the description given. Analyzing the claim would render **a coded target used in photogrammetry, the target being circular and comprising: at least first (10, p. 9 ln. 10) and second (11, p. 9 ln. 10) concentric coding rings with at least two equal angular sectors (p. 9 ln. 19-23), arranged around a central area (12, p. 9 ln. 10) comprising a central disk with a uniform color (13, p. 9 ln. 11, [color being white for example]) surrounded by the first ring with a complementary color** (the phrase "the" causes first ring to refer back to the only first ring mention prior which is first coding ring 10 and makes first coding ring 10 now a black color to compliment the white color of the central disk), **the first ring surrounded by the second ring of the same color as the central disk** (again the phrase "the" now refers back to second coding ring 11 now being a white color to be the same as the central disk), **wherein all sectors in the first ring which is the innermost ring, are the same color (black) except for one that is a complimentary color (white) (10, p. 10 ln. 9-10).**

It is suggested that "wherein all sectors in the first ring which is the innermost ring, are the same color except for one that is a complimentary color" in claim 12 should instead read as --wherein all sectors in the first coding ring, which is the innermost ring surrounding the central area, are the same color except for one sector that is a complimentary color--.

***Allowable Subject Matter***

4. **Claim 12** would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
5. **Claims 13-22** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: Salive et al (US 5, 607, 187) teaches concentric form barcode markings (Fig 3) with at least two coding rings surrounding a central area comprising a central disk of one color surrounded by a first ring of a complimentary color which is surrounded by a second ring the same color as the central disk. Salive fails to teach equal angular sectors in the rings and the first ring has all sectors the same color except one that is a complimentary color. Claims 13-16, & 21-22 depend from 12 and therefore incorporate all the limitations and reasons for indication of allowable subject matter. The process of claim 17 is restricted to the coded target of claim 12 due to its dependency and therefore incorporates all the limitations and reasons for indication of allowable subject matter. Claims 18-20 depend from 17 and therefore incorporate all the limitations and reasons for indication of allowable subject matter.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited for disclosing related limitations of the applicant's claimed and disclosed invention. Lake et al (US 5,260,

556) teaches a coded target with the orientation marks embedded with the code within the coding ring, Fig 1-4. Sekendur (US 5,477,012) teaches two coding rings with equal angular sectors surrounding a central area comprising a disk but fails to teach a ring with all sectors the same color except one and the second ring the same color as the disk. Saporetti et al (US 6,219,434) a maxi code locating method when the code is at any angle by acquiring the image but fails to have a first ring with all sectors the same color except for one. Russell et al (US 6,556,722) teaches a coded with at least two concentric rings but fails to have a first ring with all sectors the same color except for one.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christle I. Marshall whose telephone number is 571.270.3086. The examiner can normally be reached on Monday - Friday 6:30 AM - 4:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571.272.2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Christle I. Marshall  
November 8, 2007

  
LISA CAPUTO  
PRIMARY PATENT EXAMINER